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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,097	02/23/2004	Robert L. McCorvey	1962-1	6900

7590

10/31/2005

John S. Egbert  
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412 Main Street  
Houston, TX 77002

EXAMINER

LE, HUNG CHARLIE

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tath

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,097	MCCORVEY, ROBERT L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hung C. Le	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 - 20 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/03/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a

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nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is object to because of the following informalities:

- 1) Page 4 of the disclosure is missing.
- 2) On Page 10, Paragraph [0030], Line 2: "...and oversize circular pipe...."  
Should be: "...an oversize circular pipe...."
- 3) On Page 10, Paragraph [0032], Line 1: "...The roller housing 16 contains...."  
Should be: "...The roller housing 38 contains...."
- 4) On Page 10, Par. [0032], Line 3: "...in the metal strip 15...."  
Should be: "...in the metal strip 40...."
- 5) On Page 10, Par. [0032], Line 5: "...continuous metal strip 15 into...."  
Should be: "...continuous metal strip 40 into...."
- 6) On Page 11, Par. [0033], Line 2: "...edges of the strip 15 are ...."  
Should be: "...edges of the strip 40 are...."
- 7) On Page 11, Par. [0033], Line 4: "...The metal strip 15"  
Should be: "...The metal strip 40"
- 8) On Page 11, Par [0035], Line 3: " ....the drive rollers 42 and 40...."  
Should be: "...the drive rollers 42 and 44...."
- 9) On Page 12, Par. [0036], Line 13: "...between the support arm 22 and...."  
Should be: " between the support arm 20 and..."
- 10) On Page 13, Par. [0037], Line 1: "...to be driven along the inner surface 54...."  
Should be : "...to be driven along the interior surface 54...."
- 11) On Page 13, Par. [0038], Line 14: "...the second pipe section 70 will have...."  
Should be: "...the second pipe section 72 will have...."
- 12) On Page 14, Par. [0039], Line 4: "80 and 84 are cuts through the wall thickness of the forming head 80. The breaks 82 and 82 are"  
Should be:" 84 and 82 are cuts through the wall thickness of the forming head 80. The breaks 82 and 84 are"

- 13) On Page 14, Par. [0039] , Line 6: "...it can be seen that an insert element has"  
Should be: "...it can be seen that an insert element 86 has"
- 14) On Page 15, Par. 0041, Line 2: Element 120 is called as a surface in Line 2.  
In Par. [0042], Line 4: Element 120 is called as bolts.

Appropriate correction is required.

### **Reasons for allowance**

The following is an examiner's statement of reasons for allowance:

Prior art failed to disclose or imply:

"A process for forming oversized circular pipe comprising:

Affixing an elliptically-shaped forming head onto spiral pipe forming machine;

Driving a metal strip along said elliptically-shaped forming head such that said metal strip takes on a shape of said elliptically-shaped forming head;

Moving said metal strip out of said elliptically-shaped forming head into a spiral pattern such that edges of said metal strip engage with each other so as to form an elliptically-shaped spiral pipe;

Removing said elliptically-shaped spiral pipe from said spiral pipe forming machine; and

Forming said elliptically-shaped pipe into a circular pipe."

The closest piece of art (Castricum, 5609055) discloses:

An apparatus for simultaneously cutting and notching a pipe includes some of the

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claimed elements except for the elliptical-shaped forming head as well as its piping formation.

However, prior art of record fails to disclose the claimed subject matter as set forth above.

Therefore, the process and apparatus for forming oversized circular pipe per claims 1 – 20 herein are being allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Ex Parte Quayle**

This application is in condition for allowance except for the following formal matters:

- 1) Page 4 of the disclosure is missing.
- 2) On Page 10, Paragraph [0030], Line 2: "...and oversize circular pipe...."  
Should be: "...an oversize circular pipe...."

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- 3) On Page 10, Paragraph [0032], Line 1: "...The roller housing 16 contains...."  
Should be: "...The roller housing 38 contains...."
- 4) On Page 10, Par. [0032], Line 3: "...in the metal strip 15...."  
Should be: "...in the metal strip 40...."
- 5) On Page 10, Par. [0032], Line 5: "...continuous metal strip 15 into...."  
Should be: "...continuous metal strip 40 into...."
- 6) On Page 11, Par. [0033], Line 2: "...edges of the strip 15 are ...."  
Should be: "...edges of the strip 40 are...."
- 7) On Page 11, Par. [0033], Line 4: "...The metal strip 15"  
Should be: "...The metal strip 40"
- 8) On Page 11, Par [0035], Line 3: " ....the drive rollers 42 and 40...."  
Should be: "...the drive rollers 42 and 44...."
- 9) On Page 12, Par. [0036], Line 13: "...between the support arm 22 and...."  
Should be: " between the support arm 20 and..."
- 10) On Page 13, Par. [0037], Line 1: "...to be driven along the inner surface 54...."  
Should be : "...to be driven along the interior surface 54...."
- 11) On Page 13, Par. [0038], Line 14: "...the second pipe section 70 will have...."  
Should be: "...the second pipe section 72 will have...."
- 12) On Page 14, Par. [0039], Line 4: "80 and 84 are cuts through the wall thickness of the forming head 80. The breaks 82 and 82 are"  
Should be: " 84 and 82 are cuts through the wall thickness of the forming head 80. The breaks 82 and 84 are"
- 13) On Page 14, Par. [0039] , Line 6: "...it can be seen that an insert element has"  
Should be: "...it can be seen that an insert element 86 has"
- 14) On Page 15, Par. 0041, Line 2: Element 120 is called as a surface in Line 2.  
In Par. [0042], Line 4: Element 120 is called as bolts.

Appropriate correction to the above items is required.

Prosecution on the merits is closed in accordance with the practice under *Ex*

*parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung C. Le whose telephone number is 571-272-8757. The examiner can normally be reached on M-F: 08:00am - 05:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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HCL

10/24/05

A handwritten signature in black ink, appearing to read 'D. Banks', with a large, loopy initial 'D' on the left and a more stylized 'Banks' on the right.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**